

COUNCIL POLICY**CURRENT**

SUBJECT: POLICY ON DEDICATION AND DESIGNATION OF PARK LANDS
POLICY NO.: 700-17
EFFECTIVE DATE: August 5, 1985

BACKGROUND:

Park lands are an invaluable resource for citizens of the City of San Diego. It is important to protect these lands from being converted to nonrecreational uses. Such protection is best provided in the form of dedication or designation.

PURPOSE:

To establish a policy for the protection of park lands by dedication (Section 55 of the City Charter) or designation as defined herein.

LEGAL CONSIDERATIONS:

Section 55 of the City Charter provides in pertinent part as follows:

All real property owned in fee by the City heretofore or hereafter formally dedicated in perpetuity by ordinance of the Council or by statute of the State Legislature for park, recreation or cemetery purposes shall not be used for any but park, recreation or cemetery purposes without such changed use or purpose having been first authorized or later ratified by a vote of two-thirds of the qualified electors of the City voting at an election for such purpose. However, real property which has been heretofore or which may hereafter be set aside without the formality of an ordinance or statute dedicating such lands for park, recreation or cemetery purposes may be used for any public purpose deemed necessary by the Council.

POLICY:

- I. All land acquired for resource-based park and recreation purposes and owned in fee by the City shall be dedicated by ordinance pursuant to Section 55 of the City Charter within one year of the date that the City accepts the property deed.
- II. All land acquired for population-based park and recreation purposes and owned in fee by the City shall be dedicated by ordinance pursuant to Section 55 of the City Charter upon acquisition if the following affirmative conditions exist:

The Park Service District appears to contain no other alternative park site;

The population has reached the population minimum stated in the City's Progress Guide and General Plan;

The Park and Recreation Board, City Manager and/or City Council determine that there are no unusual circumstances which indicate dedication consideration should be deferred.

- III. All land acquired for open space park purposes and owned in fee by the City shall be dedicated by ordinance pursuant to Section 55 of the City Charter if it meets the following conditions:
- A. The land either fits the criteria of resource-based parks, in that it is the site of distinctive scenic or natural or cultural features, and is intended for City-wide use; is a complete open space system or sub-system; or at a minimum is a portion of a sub-system sufficient to stand on its own. (Isolated properties designated as open space shall be dedicated only upon the City's obtaining sufficient additional adjacent land to meet this requirement.)
 - B. The land does not include areas which are undesirable for park purposes, would be more suitable for other purposes, or which could be traded or sold to obtain more desirable park lands or to fund park improvements. In these cases, to provide flexibility in making revisions which would be beneficial to meeting the City's open space goals, the land shall not be dedicated.
 - C. The deed to the property is free of restrictions which might preclude dedication as park land.
- IV. All land held in City interest for park and recreation purposes, not meeting the requirements for dedication as specified in Sections I, II and III, including land held in less than fee ownership, shall be designated by resolution and thereafter be subject to public hearing process prior to any other use or disposition, except for dedication.
- V. Requests for dedication or designation of a park site shall include the following information:
- A. How the park site implements the Park and Recreation Element or Open Space Element of the Progress Guide and General Plan and/or the Community Plan.
 - B. For population-based parks, an estimate of the long term development schedule.
 - C. For open space park land, reservation of the City Council's authority to establish easements for utility purposes in, under, and across the dedicated property so long as such easements and the facilities to be located therein do not significantly interfere with the park and recreational use of the property.
- VI. The Park and Recreation Board shall annually review the City inventory of park lands to determine the status of lands meeting the requirements for dedication or designation as specified in Sections I, II, III, and IV. Staff will subsequently report the findings of the Board to the City Council.
- VII. City park lands, dedicated and designated, shall be clearly identified in any Planning Commission or Council action which affects the park site. Lands which are neither dedicated nor designated shall not be counted as satisfying any requirements or standards for park land.
- VIII. Following designation of a park, nonconflicting nonrecreational uses may only be permitted upon recommendation of the Park and Recreation Board and approval of the City Council.

CROSS REFERENCE:

City Charter Sec. 55
Council Policy 100-02
Council Policy 600-23
Council Policy 700-03
Council Policy 700-07

HISTORY:

Adopted by Resolution R-186031 01/13/1966
Amended by Resolution R-193887 06/06/1968
Amended by Resolution R-218126 04/12/1977
Amended by Resolution R-254869 08/24/1981
Amended by Resolution R-263807 08/05/1985